

## **Remarks**

### **Objection of the Specification**

The objection of the specification is avoided by the proffered Amendment to the Specification. The Examiner's requests and suggestions have been fully complied with.

### **Objection of the Drawings**

The objection of the drawings is avoided by the proffered replacement sheet containing Figure 1. The word "hydraulic" has been removed from reference item 16 as it is not necessary. Item 16 is defined in the specification as a "hydraulic test device" in paragraph 19.

### **Objection of the Claims**

The Examiner has objected to claims 1, 4, 7, 10, 11 and 14 due to informalities. It is the applicants' understanding that the Examiner meant claim 5 instead of claim 4. The requests for amendment have been fully complied with. With respect to claim 14, paragraph 0026, rather than paragraph 0021 as suggested by the Examiner, is relied upon as the relevant disclosure.

### **Rejection of the Claims 1-33 under 35 U.S.C. 103(a)**

Claims 1-33 were pending in the application on the date of the office action of May 30, 2006. Claims 34-40 have been canceled. Claims 1, 2, 3, 5, 7, 9, 14, 18, 29, 31, 32 are amended. Claims 10 and 11 are canceled.

Claim 1-33 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. 3,942,375 to Shepard in view of European patent Application Publication EP 225397 to Beran et al., U.S. Pat. 5,585,549 to Brevick et al., and U.S. Statutory Invention Registration H229 to Phillips.

**With respect to claim 1-8**, the rejection is not well taken.

Of this group, claim 1 is the only independent claim and claims 2-8 depend directly or indirectly from claim 1.

The Examiner relied on a total of four prior art references to allegedly come up with all the elements of the claimed product of claim 1. The Examiner's reading is analyzed as follows.

“Claim 1. A temperature controlled hydraulic fluid supply circuit comprising:

a first hydraulic fluid reservoir having an initial hydraulic fluid; (Shepard is relied upon, see the Reservoir; Brevick is relied upon, see item 44)

a first temperature controlled housing; (Brevick is relied upon, see the environmental chamber 13; Phillips is relied upon, see the environmental test chamber 5)

a second hydraulic fluid reservoir (Beran is relied upon, see the chamber 4) fluidically coupled to said first hydraulic fluid reservoir, residing within said first temperature controlled housing, and having a temperature controlled hydraulic fluid that is supplied to at least one test device; and

a circulation device circulating a temperature altering fluid through said first temperature controlled housing and adjusting a temperature of said temperature controlled hydraulic fluid. (Phillips is relied upon, see the air processing system 7, air inlet and air outlet).”

The references failed to provide sufficient motivation to combine them in the manner suggested by the Examiner. There is no teaching or suggestion that the first hydraulic fluid reservoir and the second hydraulic fluid reservoir, which are picked from different references, should be “fluidically coupled” as required by the present

application. Shepard, Brevick and Beran, when considered alone or in combination, do not even suggest using more than one reservoir as claimed by the present invention. There is also no teaching or suggestion that the second hydraulic fluid reservoir should be “residing within said first temperature controlled housing”. Beran’s chamber 4 is not located in a temperature controlled housing, nor is the Reservoir in Shepard or item 44 in Brevick. There is no teaching or suggestion that the second hydraulic fluid reservoir holds “a temperature controlled hydraulic fluid that is supplied to at least one test device.”

The rejection is based on improper hindsight reconstruction of the claimed invention, using the patent application as a guide for picking and choosing elements from prior art references and combining them without regard to what the prior art references actually teach singly or in combination. The alleged availability of all the elements from the cited prior art references does not imply that the specific arrangement of these elements is obvious or known.

Therefore, it is the applicants’ position that the combination of the cited prior art references made by the Examiner is improper and even if they can be combined, as argued above, they fail to teach each and every limitation of the present invention as claimed in claim 1. Rejection of claim 1 should be withdrawn.

Claims 2-8 depend from claim 1 either directly or indirectly. Due to the arguments presented above regarding claim 1, the rejection of claims 2-8 should be withdrawn.

**With respect to claim 9-30**, the rejection is not well taken.

Of this group, claim 9 is the sole independent claim and claims 10-30 depend directly or indirectly from claim 9.

Rejection of claim 9 is not elaborated by the Examiner. Claim 9 effectively combines the elements of claim 1 and the limitation with respect to the plurality of hydraulic fluid control valves. Due to the arguments presented above regarding claim 1, the rejection of claims 9-30 should be withdrawn.

**With respect to claims 31-33**, the rejection is not well taken.

Of this group, claim 31 is the sole independent claim and claims 32 and 33 depend directly or indirectly from claim 31.

The rejection of claim 31 is not elaborated by the Examiner. Claim 31 effectively combines all the elements of claim 1, the added plurality of hydraulic fluid control valves as taught in claim 9, and at least one temperature sensor. Due to the arguments presented above with respect to claim 1, the rejection of claims 31-33 should be withdrawn.

## **SUMMARY**

It is submitted that the references taken singly or in combination do not teach or suggest the invention as set forth in the amended claims. Allowance of all of the claims is accordingly respectfully requested.

Respectfully submitted,

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Date

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